

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:08CR43

UNITED STATES OF AMERICA

VS.

BLAKE CHARLES LORCHER

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ORDER

THIS MATTER is before the Court on the Government's notice of appeal and motion for revocation of a release order entered in the Northern District of Georgia by United States Magistrate Judge Linda T. Walker.

Notice of Appeal and Motion for Revocation of Magistrate's Release Order, filed April 24, 2008.

Defendant was indicted in this Court on one count of conspiracy to possess with intent to distribute methamphetamine. **Bill of Indictment, filed April 1, 2008, at 1.** He was arrested in Georgia and made his initial appearance before Magistrate Judge Walker on April 17, 2008. At this time, the Government requested that he be detained pending further proceedings, stating he was a serious flight risk and a danger to the

community. **Government's Motion for Detention, filed April 17, 2008.**

Following a further hearing on the matter, the Magistrate Judge entered an oral order allowing Defendant to be released provided he could post a \$50,000.00 secured bond. As Defendant did not execute the bond at that time, he remained in custody. The Government moved to stay the Magistrate Judge's oral order pending appeal. **Motion for Stay of Order, filed April 24, 2008.** To date this motion is still pending before the Magistrate Judge.

In the instant motion, the Government states that Defendant initially agreed to cooperate with the Government in a criminal investigation, but later reneged on this agreement. **Notice of Appeal, *supra*, at 3.** The Government also noted that due to the nature of the crime with which he was charged, Defendant was subject to the rebuttable presumption described in 18 U.S.C. § 3142(e). ***Id.***

Based on the Government's motion, the undersigned believes that the Magistrate Judge's oral order setting bond should be revoked. The issue of Defendant's continued detention will be determined when he is returned to this District for an initial appearance before this Court.

IT IS, THEREFORE, ORDERED that the Government's motion for revocation of the Magistrate Judge's order is hereby **GRANTED**, and the Defendant shall remain in the custody of the United States Marshal.

IT IS FURTHER ORDERED that the Government's notice of appeal is hereby **DISMISSED** as moot.

Signed: April 25, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

